



June 22, 2004

Supreme Court Term Drawing to Close

The U.S. Supreme Court is scheduled to recess for the summer by the end of June. Yesterday the Court announced decisions in four cases, discussed below. The Court is expected to announce decisions in another 12 decisions this week and next.

Cases Decided This Week

***Hiibel v. Sixth Judicial District* — No Right to Withhold Identity from Police Officer.**

In this appeal from the Nevada Supreme Court, the U.S. Supreme Court held, 5-4, that there is no constitutional right to refuse to give one's name to a police officer during a "Terry stop" (a brief detention by police based on reasonable suspicion of wrongdoing). Justice Kennedy explained that knowledge of identity serves important government interests:

Knowledge of identity may inform an officer that a suspect is wanted for another offense, or has a record of violence or mental disorder. On the other hand, knowing identity may help clear a suspect and allow the police to concentrate their efforts elsewhere. Identity may prove particularly important in cases such as this, where the police are investigating what appears to be a domestic assault. Officers called to investigate domestic disputes need to know whom they are dealing with in order to assess the situation, the threat to their own safety, and possible danger to the potential victim.

Justices Stevens, Breyer, Souter, and Ginsburg dissented, arguing that the Court was departing from precedent without sufficient justification.

***Aetna Health v. Davila* — ERISA Preempts State Lawsuits Against HMOs.**

The Supreme Court unanimously reversed the U.S. Court of Appeals for the Fifth Circuit and held that HMO patients in Texas could not pursue malpractice or negligence cases in state court against their insurers, contrary to the patients' claim that a Texas patient protection law allowed them to do so. Instead, the Court concluded that ERISA preempted those lawsuits and that the cases could be removed to federal court.

***Pliler v. Ford* — Strict Death Penalty Procedures Reaffirmed.**

By a vote of 7-2, the Supreme Court reversed the U.S. Court of Appeals for the Ninth Circuit in a case interpreting the Antiterrorism and Effective Death Penalty Act, the law Congress passed in 1996 to

govern federal habeas corpus procedures. In this case, the Supreme Court strictly enforced the statutory requirement that defendants exhaust all habeas claims in state court before seeking habeas relief in federal court, and refused to uphold a Ninth Circuit requirement that the federal district court give expert legal advice to defendants regarding how to proceed with their claims. Justices Ginsburg and Breyer dissented.

Intel Corp. v. Advanced Micro Devices — Discovery Law for Foreign Proceedings Enforceable.

Congress passed a statute, 28 U.S.C. § 1782(a), that empowers federal district courts to order the production of documents for use in foreign legal proceedings. The Ninth Circuit had ruled that this statute could be used in a case brought by Advanced Micro Devices against Intel in the European Commission. The Supreme Court, voting 8-1, affirmed the Ninth Circuit decision, with Justice Breyer as the sole dissenter.

Cases to be Decided by the End of This Month

Case Name	Oral Argument	Lower Court	Issues
<i>Rumsfeld v. Padilla</i>	April 28, 2004	2nd Circuit	Enemy combatant; detention
<i>Hamdi v. Rumsfeld</i>	April 28, 2004	4th Circuit	Enemy combatant; detention
<i>Rasul v. Bush/ Al Odah v. U.S.</i>	April 20, 2004	D.C. Circuit	Terrorism; foreign nationals
<i>Sosa v. Alvarez-Machain/ U.S. v. Alvarez-Machain</i>	March 30, 2004	9th Circuit	Non-citizen arrests; false arrests; Alien Tort Statute; Federal Tort Claims Act
<i>Cheney v. U.S. District Court</i>	April 27, 2004	D.C. Circuit	Discovery; energy policy; Federal Advisory Committee Act
<i>Schriro v. Summerlin</i>	April 19, 2004	9th Circuit	Death penalty case; judge/jury decisionmaking; retroactivity
<i>Beard v. Banks</i>	Feb. 24, 2004	3rd Circuit	Death penalty case; retroactivity
<i>Tennard v. Dretke</i>	March 22, 2004	5th Circuit	Death penalty case; mitigation evidence, mental retardation
<i>U.S. v. Patane</i>	Dec. 9, 2003	10th Circuit	Miranda warnings; exclusionary rule; physical evidence
<i>Missouri v. Seibert</i>	Dec. 9, 2003	Missouri Supreme Court	Miranda rights; admissibility of confessions
<i>Blakely v. Washington</i>	March 23, 2004	Court of Appeals of Washington	Ineffective counsel; guilty plea
<i>Ashcroft v. ACLU</i>	March 2, 2004	3rd Circuit	Child Online Protection Act; First Amendment